

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION

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DANIEL LAFITTE DuMONDE,

Plaintiff,

V.

-UNITED STATES; DEPT. OF JUSTICE;

-MICHAEL MuKASEY, U.S. Attorney-
General;

-HARLEY LAPPIN, Director, Federal-
Bureau of Prisons,

-Defendants.

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE No.

2:08-CV-151-MHT

COMPLAINT SEEKING MANDATORY RELIEF OF LEGAL WRONG

I. JURISDICTION

This Court has Jurisdiction of this Complaint under 28 U.S.C.
§1331, and 5, U.S.C. §702.

"5 U.S.C. §702, when it applies, waives sovereign immunity in "nonstatutory" review of Agency action under 28 U.S.C. §1331".

Jaffee v. United States, (1979 CA3 NJ) 592 F2d 712, cert den (1979) 441 US 961, 60 L Ed. 2d 1066, 99 -S.Ct. 2406

§ 702. Right of review

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States: *Provided*, That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought.

(Sept. 6, 1966, P. L. 89-554, § 1, 80 Stat. 392; Oct. 21, 1976, P. L. 94-574, § 1, 90 Stat. 2721.)

(I.)

II. SUMMARY OF COMPLAINT

AFTER SEVEN WRITS FOR HABEAS CORPUS RELIEF HAVE GONE UNHEARD- to the facts submitted herein, Habeas Corpus has been SUSPENDED to the Plaintiff, who has suffered, and continues to suffer a most cruel and Unusual Punishment where the United States dept. of Justice through the U.S. Attorney General's Office unlawfully, illegally and UNCONSTITUTIONALLY -USURPED BAD STATE OF ALABAMA FACTS -While the Same facts were Simultaneously on Appeal in the ALabama Court of Criminal Appeals as an-Illegal State Arrest, by Ex-Parte Habeas Corpus.

The State facts for which the United States took control- In- An UNBROKEN CHAIN of State to Federal custody, are in fact seriously Illegal facts, where any and all facts were collected by lawless State of ALabama agents, who having No Probable Cause to otherwise obtain an Arrest Warrant for this then "suspect" on a charge of Theft involving a Counterfeit Check-(exchanged to a private individual-on private property-By another Person other than this Plaintiff), Did by Fraud and Felony Malfeasance-Concoct a Fraudulent Probable Cause Affidavit and Entirely-FAKE DOCUMENTS ONLY PURPORTING TO BE ACTUAL STATE ARREST INSTRUMENTS, Then use same to SEIZE this Suspect/Plaintiff in flagrant violation of THE FOURTH AMENDMENT, as the "Arrest Warrant" was Not a Warrant, but only Fiction of Law. This Seizure by Phony State Instruments constituted serious crime of KIDNAPPING.

THE ATTORNEY GENERAL'S OFFICE HAS KNOWLEDGE that the Irrefutable-Facts here are In FACT-TRUE FACTS, and appears by Nonfeasance to continue to Ignore same, at the Expense of Plaintiff's continued Legal, Physical, Mental and Emotional-Injury.

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II SUMMARY, CON'T

Plaintiff asserts that a cause of action cannot Arise out of **Fraud and Felony Conduct of Authorities**, and that is exactly the basis for The deefndant, United States, Et.al., actions in Usurping the State Facts, who conducted an Illegal Federal Trial to the very Same -particularly **BAD STATE FACTS**, in CASE No. CR-04-B-0176-S, Northern District of Alabama, under Color of Official Business of The United States.

Plaintiff's Rights and Liberty have been STOLEN BY PHONY LEGAL-PROCESS BY THE STATE OF ALABAMA, and any proceeding afterwards to the same facts by The Defendant United States were equally-illegal, unconstitutional, unjust, unauthorized, and conducted--WITHOUT PERSONAL JURISDICTION OF HERE PLAINTIFF. Moreover, the Statute 18 U.S.C. §513(a), Making, possessing, uttering, a Counterfeit Security, would Not have reached to charge a Federal Crime in this case, even if the original Arrest Warrants were not in fact-fictitious. Therefore, while Moot to the fact of lack of Personal Jurisdiction by Defendant, The United States also had No Subject Matter Jurisdiction. (U.S. V. BARRONE, C.A. 9, (Nev.1995, 71 F 3d 1442)),Positively Proves this claim also.

Plaintiff submits this Complaint as Petition for Personal-Replevin, and asserts that in fact He remains in Illegal, Unlawful, Unconstitutional Detention and Unauthorized Confinement, That the Federal Case No. 04-B-0176-S is in fact Void-Ab-initio, that Proofs Positive are here attached to the accompanying affidavit providing uncontestable document evidence of Plaintiff's claims. The Defendant United States has committed a Fundamental Manifest Constitutional Error, and Plaintiff demands Relief by Immediate release, to which he is Entitled.

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III. STANDING

BY REFERENCE OF INCORPORATION, Plaintiff submit s together with, and made part of this Complaint, an-AFFIDAVIT OF UNCONTROVERTED FACTS, as Prima Facie Evidence of the claims- herein. These same basic facts were previously submitted to the Defendant United States through Peter Geisler (then Acting U.S. Attorney General) in Court of claims Case No. 07-601--C, and A.G.'S OFFICE HAS KNOWLEDGE, AND NOT REBUTTED THESE FACTS. Same facts were presented to State of Alabama Attorney General's Office in Case No. 07-cv-0715-JR, and that Office also -Failed to rebutt any of the one and the same facts.

-COMPLAINT-

IV. STATEMENT OF CASE

PRE-HISTORY FACTS

A brief pre-history is important to place this Complaint in proper perspective-as-Bad State Facts Became Bad Federal Facts:

1. In the Summer of 2003, Plaintiff received a diamond ring from a Next-Door Neighbor Acquaintance in Bessemer, Alabama, then sold that Property, unaware that the Acquaintance, Wade Richard Walker, has exchanged a "counterfeit" Bank Check for that Property.
2. Two Months after the sale, Jefferson County, Alabama Sheriff's detectives, (Sgt) V.W. TICE and LT. PAUL LOGAN, suspecting this Plaintiff of involvement in the Theft, were unable to obtain any Arrest Warrant through the Courts for this (then Suspect) Arrest.
3. These same State officers then resorted to committing felonious act of concocting a Fraudulent "Probable Cause" Affidavit and a -FAKE Document only purporting to be State of Alabama "Arrest Warrant", which was entirely manufactured by the Corrupt Cops, -Without Any Judicial-Authority, then use these to Enter this Plaintiff's HOME, -

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PRE HISTORY, CON'T

--in violation of the clear Language of the FOURTH AMENDMENT's requirement of the Necessity of an Arrest Warrant to enter a citizen's home, (absent exigent circumstances or voluntary consent), where this Entry- and abduction by Fraudulent pretenses and Process, constituted and actual and literal-Kidnapping.

4. Removed from his Home to County Jail by Fraud and Felony, Plaintiff was held on \$100,000 Dollar RANSOM, where once at the jail, No judge ever set any actual-"bond" but State detainee was held only on the \$100,000 Amount contained in the FAKE Document only purporting to be an "Arrest Warrant".
5. In what was given Alabama State Case No. DC-03-12747, this Plaintiff filed a State of Alabama Writ for Habeas Corpus, (AL-\$15-21-1), contesting the "Arrest" as Illegal and Unconstitutional.
6. The State District Attorney, Melvin David Barber there at Jefferson County, Birmingham, Al., -FAILED TO MAKE ANY RETURN TO THE HABEAS PETITION, as required by State Law in order to prove the Arrest Legal. This then State detainee gained extraordinary Right, and appealed the Habeas Petition-Ex-Parte- to THE ALABAMA COURT OF CRIMINAL APPEALS.
7. BEFORE ANY FINAL DISPOSITION-AND WHILE THE EX-PARTE HABEAS CORPUS WAS PENDING REVIEW IN THE STATE APPEALS-COURT, D.A. DAVID BARBER contacted a former employee of his-JOHN BRADLEY FELTON, who had only recently at that time become an Assistant United States Attorney, and together with the U.S. ATTORNEY-ALICE H.-MARTIN, -Defendant United States)- DID TRANSFER STATE DETAINEE TO FEDERAL CUSTODY-In VIOLATION OF STATE LAW ^{*1} Prohibiting transfer of Pending State Habeas petitioner.

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*1 FOOTNOTE: Alabama Code Sections-\$15-21-11, \$15-21-31.

STATEMENT OF CASE

PRE-HISTORY FACTS, CON'T

8. It can be proven and Proofs Positive Exist that the State District Attorney , M. David Barber, did Conspire with his former employee and State deputy D.A., John Bradley Felton, for the purpose of eluding the effect of the State Habeas Writ-which would have required Copy of an legitimate legal process Arrest Warrant be produced, the only "Arrest Warrant" being a Fiction of -Law, whereby a "jurisdictional transfer" was illegally, unlawfully and unconstitutionally devised as part and parcel of a Felonious Scheme to provide a protective cover designed to conceal the fact of State Citizen's-KIDNAP-by Fake Arrest Warrant Facts, and which protected Veteran Officers and the County from civil and Criminal-liability.

II. FEDERAL INTERVENTION OF STRICTLY STATE ISSUES

1. ON APRIL 28, 2004, The U.S. MARSHAL Chained, shackled and removed State detainee from the County Jail and State Custody, to Federal Custody at the behest of U.S. ATTORNEY-(DEFENDANT UNITED STATES)-ALICE H. MARTIN, and Her A.U.S.A.-JOHN BRADLEY FELTON, WITHOUT ANY FEDERAL WARRANT, INDICTMENT, OR WRIT TO AUTHORIZE TRANSFER OF STATE DETAINEE, and in violation of State of Alabama -Law, and the TENTH, FOURTH, FIFTH, AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION.
2. Plaintiff asserts that his Person and the (BAD)-STATE FACTS, were under the EXCLUSIVE JURISDICTION OF THE STATE OF ALABAMA COURT OF CRIMINAL APPEALS AT THE TIME OF UNLAWFUL AND UNCONSTITUTIONAL FEDERAL INTERVENTION., AS NEITHER THE LOCAL STATE D.A., THE COUNTY, OR THE FED.-DID NOT HAVE PERSONAL JURISDICTION OF THIS PLAINTIFF WHEN HE HAD BEEN BROUGHT TO THAT JAIL AND COUNTY COURT BY-FRAUD AND FELONY OF FICTITIOUS LEGAL PROCESS.

STATEMENT OF CASE

3. Plaintiff/State detainee was Forced in front of a Federal Grand Jury by A.U.S.A. John Bradley Felton, that April 28, 2004, on pretense of "Investigating" the same Bad State Facts then on Appeal by Ex-Parte State Habeas Petition. This forced appearance was done for the purpose of prejudice, as State detainee/Plaintiff was not allowed to change clothes, but appeared there while dressed in "Prison Stripe" County Jail Uniform-and-Leg-Chain Shackles. That the appearance was a contrived appearance is evidenced by the fact that it would avail the Grand Jurors of No Information or facts for this State detainee to give "Handwriting Samples" in front of a Grand Jury without-Analysis-Results Comparison of the Handwriting given and the handwriting on the "Counterfeit" Check of the State Case. (SEE ITEM #5, BELOW).
4. Plaintiff/State detainee was just casually returned to State Custody at the County Jail afterwards of the Prejudicial Appearance at Federal Courthouse and the giving of (TEN)Pages of Handwriting Samples.
TWO DAYS AFTER that staged Appearance, this Plaintiff/State detainee was Indicted Federally, APRIL 30, 2004, For Making, Possessing, uttering a Forged and Counterfeit Check, in violation of Bank Fraud Statute, Title 18, 513(a), which was the same check facts then simultaneously as on Appeal in the State of Alabama Court of Appeals as an Illegal Arrest.
5. Federal Proceedings commenced to the Very same facts as were on Appeal in the Alabama Court of Appeals by Ex-Parte Habeas Corpus claiming Illegal Arrest. The (10)-Pages of Handwriting Samples given pre-Fed Indictment on APRIL 28, 2004, were subsequently found to be ALL-INCONCLUSIVE to any Government cause, and that fact stated in Report of U.S. Secret Service on MAY 18, 2004, yet Plaintiff had already been indicted for Forged Counterfeit check on APRIL 30, 2004, The grand Jurors never seeing those results.

STATEMENT OF CASE

6. In this way, By Subterfuge, Fraud and Felony of both State and Federal Prosecutors seeking to cover up and conceal the fact of FAKE Arrest Warrant Copy, this State citizen was Defrauded of Freedom, Rights-and LIBERTY, in an Unbroken Chain of State to Federal Custody on the very same -BAD STATE-KIDNAP-FACTS.
7. Plaintiff was forced to an illegal, unlawful and Unconstitutional Federal Trial in CASE No. CR-04-B-0176-B, which used the very same Bad State Kidnap Facts as lawful Authority to conduct such trial, and where it is apparent that The Federal Court DID NOT HAVE PERSONAL JURISDICTION OF THIS THEN (FEDERAL DEFENDANT) on the basis of -continual custody of same Fraudulent and Fictitious documents only purporting to be State "Arrest Warrant" Instruments.
8. Plaintiff was convicted in "Bench trial" where he challenged that Court's Jurisdiction based on the Fraudulent State Documents purporting to be State Arrest Instruments, ad nauseum times during the proceedings and trial, Positively Proving the Trial to be Unconsitutional by showing that there was in fact -No Probable Cause for any Arrest of this then Federal defendant contained in the (Subsequently found to be totally fictitious)-State Arrest Instruments which were used as legitimate cause to conduct the Federal trial to the very same facts, and in fact these totally fictitious State Instruments were actually -Entered on the Record of CASE No. CR-04-B-0176-S, Sept. 9, 2004, by The SAME A.U.S.A. and former State Deputy D.A. from Jefferson County, Al., John Bradley Felton, where by this outrageously illegal act, The A.U.S.A., acting for here Defendant-UNITED STATES, COMMITTED FRAUD UPON THE COURT, and proceeded to Defraud Plaintiff of Liberty without lawful Authority.

"A RIGHT OF ACTION CANNOT ARISE OUT OF FRAUD"

Id. Brooms Maxims 297, 729, 38 Fed. 800

STATEMENT OF CASE

9. IN PATENTLY ILLEGAL PROCEEDINGS Directly Resulting from the State of Alabama's Serious Crime of Kidnapping the Plaintiff by FAKE LEGAL PROCESS AND FEDERAL USURPATION OF SAME FACTS BY FRAUDULENT MEANS, The U.S. District Court at Birmingham, Alabama, "Convicted" then "Sentenced" Plaintiff WITHOUT PERSONAL JURISIDITION, where the Evidence here shows Conclusively that the Federal Court Never Had Authority to adjudicate any of this State Citizen's Rights.
- 10 Plaintiff received a 66-Month Illegal detention-"Sentence"- and after nearly Two Years in the Violent Jefferson County, Alabama, Jail, result of the same Bad Facts, this Medically -Disabled American was committed to a Federal Prison "Work Camp" and Forced to perform Slave Labor By Force and Threats, AS he was Not-"Duly Convicted" of any crime, Plaintiff remains, inter alia, in Violation of The Thirteenth Amendment, as well as Violation of Article 3, Convention for the Protection of Human Rights.
- 11 Defendant Director, Harley Lappin, agent for the United States, along with Michael Mukasey for The Office of the Attorney General KNOWS THIS CITIZEN REMAINS ILLEGALLY IN THE PRISON SYSTEM, AND BOTH OFFICERS OF THE DEFENDANT UNITED STATES HAVE IGNORED THE ABSOLUTE FACTS.

VI. CONCLUSION AND RELIEF

IN CONCLUSION, In a litany of unlawfulness, Ruthless acts, Fraud and Felony Malfeasance by Both State, then Federal Actors, Plaintiff has been held for More than FOUR YEARS in UnAtuthorized and Unjustified Confinement, the direct result of Fictitious Legal Process concocted without any Judicial Authority, and thus Defrauded of Rights and Deprived of Freedoms and STOLEN LIBERTY WITHOUT DUE PROCESS OF LAW.

IN RELIEF

IN RELIEF OF SERIOUSLY UNCONSTITUTIONAL AND EGREGIOUS -
CIRCUMSTANCE- Plaintiff Submits this Complaint and it's
Accompanying Affidavit of Uncontroverted Facts, as Prima Facie
Evidence of the claims herein, and as a WRIT FOR PERSONAL
REPLEVIN.

- (1) That the Defendant UNITED STATES IMMEDIATE RELEASE THE PRISONER, or SHOW POSITIVE AND AFFIRMATIVE PROOFS REBUTTING PLAINTIFF'S PRIMA FACIE EVIDENCE, FOR WHICH PLAINTIFF ASSERTS NONE EXISTS. (2) THAT THE COURT ORDER DEFENDANT ANSWER FORTHWITH.
- (3) THAT THE COURT TAKE JUDICIAL NOTICE OF THESES FACTS FOR WHICH ARE READILY DETERMINABLE TO BE TRUE, AND IMMEDIATELY ISSUE- MANDATORY INJUNCTION AGAINST ANY FURTHER DEPRIVATIONS OF PLAINTIFF'S RIGHTS, OR LIBERTY.

The above Sworn true under Penalty for Perjury,
and 28 U.S.C. §1746,

THIS 3 DAY OF MARCH, 2008,

By-

/s/ Daniel L. DuMonde
DANIEL L. DuMONDE, PLAINTIFF, PRO-Se
#21609-001, MOBILE-B
FPC MAXWELL AIR FORCE BASE
MONTGOMERY, ALABAMA, 36112

"Under our Constitution no court, state or Federal, may serve as accomplice in the willful transgression of 'the Laws of The United States', laws by which 'the Judges of every state [are] bound....'"

LEE v. FLORIDA, 392 U.S. at 385-386, 20 L Ed 2d 1166, 88 S Ct 2096 (footnotes ommitted)

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